



The Unemployment Compensation Division, Bureau of Local Operations, requires that minimum timeliness, productivity and quality standards be achieved for an adjudicator at the Unemployment Benefit Specialist 3 level. The minimum standards expected for an objective level adjudicator are 80% for timeliness (cases issued timely divided by total cases assigned), 93% for productivity (productivity units earned divided by total hours worked) and 80% for quality (number of QPI cases passed divided by number of QPI cases)

Although you have obtained training and experience and have met the quality standards associated with the objective level adjudicator, you have been unable to achieve the minimum timeliness and productivity standards. According to the Bureau of Local Operations, during the time frame from October 1, 1988 to June 30, 1989, your achievement for the timeliness standard was 70% and the productiv[it]y standard was 85%. Therefore, you cannot be regraded to the Unemployment Benefit Specialist 3 level at this time.

4. The UBS 1-3 series is a progression series. Movement from UBS 2 to UBS 3 depends on the attainment of certain specified training, education and experience as reflected in minimum standards for quality, timeliness and productivity established by the UC Division and cited in the memo set forth in Finding #3. These standards have been in effect since 1986.

5. In his past effort at reclassification/regrade to UBS 3, appellant had not met the standard for quality (QPI). Therefore, in accordance with DILHR standard operating procedure, the timeliness and productivity criteria had not been considered. However, all three criteria had been reviewed with appellant as part of his annual performance evaluations.

6. The UC Bureau of Local Operations has a policy of not producing timeliness and productivity statistics for the July 1 - September 30 quarter because this is always the slowest quarter and the lower workload makes performance data less significant. Because of the unavailability of any data for this quarter, respondent used the quarters ending December 31, 1988, March 31, 1989, and June 30, 1989, to evaluate appellant for reclassification/regrade.

7. Data generated by respondent (Respondent's Exhibits 13-15) reflects that the great majority of adjudicators (87 of 92, 77 of 89, 75 of 81) had timeliness ratings of 80% or more for each of the three quarters in question.

#### CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to §230.44(1)(b), Stats.

2. Appellant has the burden of proof to establish by a preponderance of the evidence that respondent's decision to deny his regrade to UBS 3 was incorrect.

3. Appellant having failed to sustain his burden, it is concluded that respondent's decision to deny appellant's regrade to UBS 3 was not incorrect.

#### DISCUSSION

Appellant does not challenge the actual performance data respondent developed for him. He does make a number of arguments that the process that was followed with respect to his reclassification was improper or unfair.

First, he argues that in the past he (and others) had been evaluated for reclassification only on the basis of the QPI and that he was never informed of the additional (productivity and timeliness) criteria. However, it is undisputed on this record that all three criteria had been used since 1986, and these were now applied to all UBS 3 reclass/regrades. The practice was to check the QPI index first, and not to proceed further if the employe did not meet this criterion. This is why respondent had not discussed the other two criteria with appellant when he had applied for reclassification/regrade in the past. Even if appellant had not been aware that the productivity and timeliness criteria figured in the UBS 3 reclassification/regrade, he was aware that these factors were a significant part of management's expectations with regard to his

performance, as these points were regularly reviewed as part of his performance evaluations.

Appellant also argues that respondent "chose" a timeframe to review "after they had allowed a backlog to build," thus resulting in lower productivity and timeliness data. However, respondent produced evidence which showed that appellant's performance during the first quarter evaluated (ending December 31, 1988) was no better than the results of the last two quarters. Furthermore, the record showed that the great majority of other adjudicators had better statistics for timeliness and productivity than appellant.

ORDER

Respondent's decision to deny appellant's reclassification/regrade to UBS 3 is affirmed and this appeal is dismissed.

Dated: August 8, 1990

STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

AJT:rcr

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

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